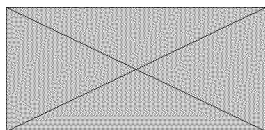


**To:** VonVacano, Marcela[VonVacano.Marcela@epa.gov]  
**From:** Environmental Law360  
**Sent:** Fri 8/19/2016 7:51:49 AM  
**Subject:** Texas Atty Acquitted Of Scamming BP With Fake Claims



## ENVIRONMENTAL

Friday, August 19, 2016

### TOP NEWS

### LAW FIRMS

#### **Texas Atty Acquitted Of Scamming BP With Fake Claims**

A Mississippi federal jury on Thursday cleared a well-known Texas plaintiffs lawyer and his brother of mail fraud, wire fraud and identity theft charges that accused him of filing false claims to BP in the aftermath of the Deepwater Horizon disaster, but found a consultant hired by the attorney guilty.

Akin  
Gump

Armstrong  
Teasdale

Baker  
Botts

#### **Bankrupt Solar Panel Co. Can't Revive \$950M Antitrust Suit**

The Sixth Circuit on Thursday rejected a bankrupt solar panel producer's bid to revive its \$950 million antitrust suit against three Chinese companies in the same business, saying there's no evidence those firms agreed to lower prices and force their competitor out of the market.

BakerHicks

Balch &  
Bingham

Barnes  
&  
Thornburg

#### **EPA Not Meeting Fuel Standard Reporting Terms, OIG Says**

The U.S. Environmental Protection Agency has failed to carry out several requirements associated with the Renewable Fuel Standard program, including making regular reports to Congress, according to an EPA inspector general's report issued Thursday.

Berkowitz  
Oliver

#### **Harley-Davidson Reaches \$15M Deal Over Defeat Devices**

Harley-Davidson Inc. on Thursday agreed to a \$15 million settlement with the federal government over allegations it sold and installed hundreds of thousands of "defeat devices" that increased motorcycle engine emissions beyond legal levels, and sold thousands of motorcycles affixed with unverified engine emissions approval stickers.

Bird  
Marella

Bone  
McAlister

Bush  
Seyferth

#### **EPA Says Recent Rulings Back Clean Power Plan's Legality**

The U.S. Environmental Protection Agency told the D.C. Circuit on Wednesday that recent court rulings on the agency's emissions rule for boilers and incinerators and the Department of Energy's use of the so-called "social cost of carbon" in energy efficiency rules puts the EPA's Clean Power Plan on firm legal ground.

Chatten-  
Brown

Clark  
Love

### POLICY & REGULATION

Cooley

LAW  
FIRMS

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### **FERC Gives Up On 'Stale' Maine LNG Project**

The Federal Energy Regulatory Commission has pulled the plug on its review of a private equity-backed liquefied natural gas project in Maine, saying there had been no meaningful progress on the project first proposed a decade ago and put up for sale last month.

Akin  
Gump

Armstrong  
Teasdale

### **\$3M Earmarked For Renewable Energy On Tribal Lands**

A U.S. Department of Energy office said Wednesday that it would dedicate up to \$3 million toward advancing renewable energy and energy efficiency on Native American reservations.

Baker  
Botts

BakerHc

### **Pause Sought In EPA Haze Plan Fight Amid Settlement Talks**

The U.S. Environmental Protection Agency and challengers of the agency's regional haze plan for Texas and Oklahoma on Wednesday asked the Fifth Circuit, which has already blocked implementation of the plan, to put their fight on hold while they try to hammer out a settlement.

Balch &  
Bingham

Barnes  
&  
Thornbu

### **Law Profs Urge 10th Circ. To Lift BLM Frack Rule Nix**

Nearly 40 law professors urged the Tenth Circuit on Wednesday to overturn a Wyoming district court judge's decision tossing the Bureau of Land Management's rules for hydraulic fracturing on federal and Native American lands, saying the court "was unable to cite a single case" to support its findings.

Berkowitz  
Oliver

Bird  
Marella

Bone  
McAllest

## **LITIGATION**

Bush  
Seyferth

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### **Corning, Philips Can't Dodge Glass Pollution Class Action**

A federal judge on Wednesday shot down Corning Inc. and Philips Electronics North America Corp.'s attempt to duck a proposed class action alleging certain health problems and property damages were caused by the release of hazardous materials at a glass manufacturing facility in Danville, Kentucky, which the companies once owned.

Chatten-  
Brown

Clark  
Love

### **Enviros' Species Concerns Fail To Stall Calif. Solar Project**

A California federal judge on Wednesday dealt a blow to environmental groups challenging a 247-megawatt solar project in central California over alleged impacts on the endangered San Joaquin kit fox and other species, refusing to issue a preliminary injunction on the grounds that the project's challengers hadn't shown they were likely to succeed on the merits of their claims.

Cooley

Cravath  
Swaine

Dentons

Dickinson  
Wright

### **Syngenta Dodges Most Of GMO Corn MDL**

The federal judge overseeing multidistrict litigation against biotechnology company Syngenta dismissed a raft of claims Wednesday by corn farmers who say the company foisted two GMO corn strains on U.S. farmers before the Chinese market was ready to accept them, laying waste to a major U.S. export market.

Dowd  
Bennett

Earthjus

### **\$175M Peabody Mine Cleanup Deals Get Bankruptcy OK**

LAW  
FIRMS

Bankrupt coal giant Peabody Energy Corp. got approvals Wednesday for agreements to pay three states more than \$175 million for potential environmental cleanup costs and for an incentive plan to pay up to \$16.2 million to some company executives.

Akin  
Gump

Armstrong  
Teasdale

### **Enviros Sue Over \$3B Pipeline Approval In 11th Circ.**

A trio of environmental groups hoping to upend the construction of a \$3 billion natural gas pipeline running from Alabama to Florida filed suit in the Eleventh Circuit Wednesday, challenging the U.S. Army Corps of Engineers' issuance of project permits.

Baker  
Botts

BakerHc

### **LAX Settles Enviro Suit Over \$5B Project, Axes Runway Move**

Los Angeles officials agreed to indefinitely curb a controversial proposal to relocate the northernmost runway at Los Angeles International Airport closer to residential neighborhoods under a tentative deal announced Wednesday that ends an environmental suit challenging the ambitious \$5.5 billion modernization of the airport.

Balch &  
Bingham

Barnes  
&  
Thornbu

### **Calif. Landowners Sue Plains Over 2015 Oil Pipeline Spill**

A group of California landowners who share ownership of 9.15 acres of beachfront property about 1.2 miles northwest of "ground zero" for a May 2015 oil spill near Santa Barbara, California, sued Plains All American Pipeline in federal court for damaging the property on Wednesday.

Berkowitz  
Oliver

Bird  
Marella

Bone  
McAllest

### **VW Says NY Emissions Cover-Up Suit Belongs In Fed. Court**

New York Attorney General Eric Schneiderman's lawsuit against Volkswagen over its alleged emissions cheating in diesel vehicles is being moved from state to federal court, according to the automaker's notice on Thursday, which said the state of New York has also agreed to not challenge the company's bid to transfer the case to multidistrict litigation in California.

Bush  
Seyferth

Chatten  
Brown

### **9th Circ. Won't Budge On Wind Farm Right-Of-Way Ruling**

The Ninth Circuit on Wednesday rejected a request to review a panel decision upholding the Bureau of Land Management's grant of a right-of-way for a 186-megawatt wind farm project in San Diego County, unswayed by arguments that the agency shirked a duty to protect migratory birds and eagles.

Clark  
Love

Cooley  
Cravath  
Swaine

### **Enviros Look To Sue Feds Over Pacific Offshore Fracking**

An environmental group on Wednesday said it intends to sue the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement over hydraulic fracturing approvals in federal waters off the coast of California, saying fracking in the area may threaten wildlife.

Dentons

Dickinson  
Wright

Dowd  
Bennett

### **Vivint Not Close To Deal With SunEdison Over Failed Merger**

Earthjus

A Vivint Solar attorney indicated Thursday in New York bankruptcy court that the company is not close to settling a \$1 billion lawsuit with SunEdison over a failed tie-up between the businesses, a turn of events that touched off an inquiry by the U.S. Department of Justice.

LAW  
FIRMS

### **Enviro Group Sues DOT Over Idaho Highway Expansion**

Akin  
Gump

Federal and Idaho transportation officials were hit with a federal suit Thursday alleging they failed to properly review the environmental impacts of an expansion of U.S. Highway 95 south of the city of Moscow that would trample wetlands and remove prime wildlife habitat.

Armstrong  
Teasdale

### **Enviros Sue Army Corps Over Florida Dredging Project**

Baker  
Botts

A group of environmentalists and recreational divers sued the U.S. Army Corps of Engineers on Wednesday over a \$374 million plan to dredge Fort Lauderdale's Port Everglades, arguing that the Corps didn't analyze all the potential impacts that the project may have on coral reef in the area using the best available information.

BakerHicks

Balch &  
Bingham

Q&A

Barnes  
&  
Thornburn

### **Rainmaker Q&A: Schiff Hardin's Renee Cipriano**

Berkowitz  
Oliver

I view my practice growth as a byproduct of what I do each and every day, but not as the goal. In fact, I believe setting out to simply make rain is pretty much a recipe for promoting a drought and withering on the vine as a lawyer, says Renee Cipriano, deputy leader of the environmental group at Schiff Hardin LLP.

Bird  
Marella

EXPERT ANALYSIS

Bone  
McAllestree

### **What To Know About New White House GHG Guidance**

Bush  
Seyferth

The White House Council on Environmental Quality's final guidance created to help agencies consider greenhouse gas and climate change impacts in National Environmental Policy Act reviews provides some clarity regarding the overall approach to the process, but it also leaves fundamental questions for individual agencies to answer, say attorneys at Holland & Knight LLP.

Chatten  
Brown

Clark  
Love

LEGAL INDUSTRY

Cooley

### **Practitioner's Playbook: The Appellate Brief**

Cravath  
Swaine

You've just wrapped up a hard-fought trial court battle, and now you and your opponent are gearing up to fight it out all over again on appeal. Here, experts share their advice on marshaling the facts, framing the legal issues and constructing the single-most important weapon you have in Round 2 — the appellate brief.

Dentons

Dickinson  
Wright

### **Litigation Powerhouse: Morrison & Foerster**

Dowd  
Bennett

Morrison & Foerster LLP's litigators have helped drugmaker Sandoz bring a generic multiple sclerosis treatment to market, forced a \$2.5 billion rate reduction in the Trans-Alaska

Earthjus

Pipeline System and staved off a potentially disastrous class action against LinkedIn, earning it a spot on Law360's list of Litigation Powerhouses.

### **Law360's Weekly Verdict: Legal Lions & Lambs**

In a show of legal prowess, lawyers at Morrison & Foerster LLP won a favorable decision Tuesday from the Federal Circuit affirming a win for Apple in a lawsuit over a data recovery-related patent, while disgraced Pennsylvania Attorney General Kathleen Kane secured a spot as this week's top legal lamb following her conviction Monday on perjury charges.

### **3 GCs Who Blew The Whistle On Their Companies**

Whistleblower and anti-retaliation rules have empowered several employees to call out corporate wrongdoing, and for the in-house counsel with deep insight into both the company's actions and the bounds of the law, it's a right and a responsibility. But it isn't always easy. Here are three in-house attorneys who say they paid the price for coming forward.

### **Judicial Board Floats Class Settlement, E-Filing Changes**

A committee tasked with oversight and administration of the nation's courts has announced new proposals to further standardize factors used by judges to approve class action settlements and implement a nationwide mandate for the electronic filing of federal court documents.

### **Ill. Judge Could Face Charges After Letting Clerk Don Robes**

An Illinois state judge for the Cook County Circuit Court was removed from the bench Wednesday after she allegedly allowed a law clerk to wear her judicial robes and rule on two cases.

### **Midmarket Firm Bumps New Atty Salary To \$170K**

New York-based firm Morrison Cohen LLP said Thursday that it will begin offering its first-year associates increased salaries of \$170,000 come September, proving that even firms focused on serving the middle market are not immune to the salary pressure caused by Cravath Swaine & Moore LLP.

### **Rainmaker Q&A: Bird Marella's Mark Dooks**

Building and preserving a reputation for excellence and integrity is the first priority for generating business and, at the end of the day, it is the thing we need to attend to unrelentingly every day, says Mark Dooks, a principal at Bird Marella Boxer Wolpert Nessim Dooks Lincenberg & Rhow PC.

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Messer  
Caparell

Meyer  
Glitzens

Morrisor  
&  
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Morrisor  
Cohen

Norton  
Rose  
Fulbrigh

Nutter  
McClenr

Patterso  
Belknap

Phipps  
Anderso

Quinn  
Emanue

Schiff  
Hardin

Seyfarth  
Shaw

Shearm:  
&  
Sterling

Sidley  
Austin

Simpson  
Thacher

Skadder

Steptoe  
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Johnson  
LLP

Sullivan  
&  
Cromwe

Thomps  
&  
Knight

Togut  
Segal

Troutma  
Sanders

Watts  
Guerra

Wilkinso  
Walsh

WilmerH

Wilson  
Sonsini

Winston  
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Tarrant

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p.l.c.

Bio-Rad  
Laborato  
Inc.

Bunge  
Limited

Cargill  
Inc.

Center  
for  
Biologic  
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Associat

Clorox  
Compan

Cognex  
Corpora

Corning  
Inc.

Energy  
Convers  
Devices  
Inc.

Faceboo

FanDuel  
Inc.

Fitbit  
Inc.

General  
Motors

Google  
Inc.

Harley-  
Davidso  
Inc.

Hospira  
Inc.

LinkedIn  
Corp.

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Dreyfus  
SAS

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Liquidat  
Holdings  
Inc.

Luminar  
Generat  
Co. LLC

Match.co  
Inc.

Medtron  
Inc.

Microsof  
Corpora

NuVasiv  
Inc.

Peabody  
Energy  
Corpora

Plains  
All  
America  
Pipeline  
L.P.

Porsche

Royal  
Philips  
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LLC

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Pharma  
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Adminis

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Miami

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and  
Exchang  
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LAW FIRMS  
Sidley Austin

Morrison & Foerster

Earthjustice

Hunton & Williams

Jenner & Block

Kirkland & Ellis

Latham & Watkins

Akin Gump

Armstrong Teasdale

Baker Botts

BakerHostetler

Balch & Bingham

Barnes & Thornburg

Berkowitz Oliver

Bird Marella

Bone McAllester

Bush Seyferth

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Clark Love

Cooley

Cravath Swaine

Dentons

Dickinson Wright

Dowd Bennett

Foley & Lardner

Gibson Dunn

Goodwin Procter



Greenberg Traurig  
Hartline Dacus  
Hogan Lovells  
Holland & Knight  
Husch Blackwell  
Jones Day  
K&L Gates  
Kenyon & Kenyon  
King & Spalding  
Klinedinst  
Lieff Cabraser  
Lowenstein Sandler  
Mayer Brown  
Messer Caparello  
Meyer Glitzenstein  
Morrison Cohen  
Norton Rose Fulbright  
Nutter McClennen  
Patterson Belknap  
Phipps Anderson  
Quinn Emanuel  
Schiff Hardin  
Seyfarth Shaw  
Shearman & Sterling  
Simpson Thacher  
Skadden

Steptoe & Johnson LLP

Sullivan & Cromwell

Thompson & Knight

Togut Segal

Troutman Sanders

Watts Guerra

Wilkinson Walsh

WilmerHale

Wilson Sonsini

Winston & Strawn

Wyatt Tarrant

COMPANIES

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Luminant Generation Co. LLC

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Medtronic Inc.

Microsoft Corporation

NuVasive, Inc.

Peabody Energy Corporation

Plains All American Pipeline, L.P.

Porsche

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SS Body Armor I Inc.

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Sumitomo Electric Industries Ltd.

SunEdison LLC

Suntech Power Holdings Co., Ltd.

Syngenta AG

Teva Pharmaceutical Industries Limited

Trina Solar Ltd.

Turing Pharmaceuticals AG

Volkswagen

Xcel Energy Inc

Yingli Green Energy Holding Co.

Yorktown Partners LLC

GOVERNMENT AGENCIES

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U.S. Supreme Court

Army Corps of Engineers

Bureau of Land Management

U.S. Department of Transportation

U.S. Department of the Interior

Federal Energy Regulatory Commission

Fish and Wildlife Service

U.S. Army

U.S. Department of Energy

Bureau of Ocean Energy Management

Bureau of Safety and Environmental Enforcement

California Environmental Protection Agency

Council on Environmental Quality

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